IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 17849 OF 2005

Dated : 11th August, 2005

Between:

P.Govindaraja

Petitioner

AND

The Superintending Engineer,

Roads and Buildings, Kadapa and

Two others.

Respondents

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 17849 OF 2005

ORAL ORDER:

Assailing the action of the respondents in trying to demolish the house of the petitioners bearing Nos. 1/1987 and 1/1986 respectively situated opposite to Rjayalakshmi Talkies, Parnapalle Road, Pulivendula Town, Kadapa District, without following due process of law, the petitioners filed this writ petition.

The case of the petitioners is that they are the owners and possessors of the above said house property acquired under registered documents and have been paying taxes to the gram panchayat. While so, the Pulivendula Gram Panchayath, which was recently converted into Municipality, are taking steps for road widening and in furtherance thereof, they have surveyed and marked portions for demolition on 8.6.2005. Therefore, the petitioners have come up with the instant writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Roads and Buildings.

The issue involved in this writ petition is no more *res integra* in view of the guidelines issued by a Division Bench of this court in *Pilli Lakshmana Rao and others Vs. Executive Officer, Gram Panchayath, Challapalle and others ()*, wherein it is held that when any property is required for public purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondents are directed to follow the guidelines issued in *Pilli Lakshmana Rao* case, if they intend to demolish the dwelling houses of the petitioners, as averred in the affidavit, if not already demolished.

With these directions, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

August 11, 2005

MAS.